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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,191	12/21/2001	Philippe Collas	50195/003002	4902
21559	7590	04/05/2006	EXAMINER	
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			WOITACH, JOSEPH T	
			ART UNIT	PAPER NUMBER
			1632	
DATE MAILED: 04/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Notice of Allowability

Application No.

10/032,191

Examiner

Joseph T. Weitach

Applicant(s)

COLLAS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1, 4-15, 43-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

DETAILED ACTION

This application filed January 9, 2002, claims benefit to provisional application 60/258,151, filed December 22, 2000.

A notice of allowance was mailed February 24, 2006. Claims 1, 4-15, 43-53 were allowed.

Information Disclosure Statement

Applicants indicated that a signed copy of the IDS filed August 16, 2004 was not received. Examiner indicated that the references were considered during prosecution, however that the offices file did not contain a signed copy of the IDS. It was indicated that the information disclosure statement (IDS) submitted on August 16, 2004 is in compliance with the provisions of 37 CFR 1.97, and that the information disclosure statement is being considered by the examiner during prosecution. Accordingly, a new copy of a signed IDS is being made of record.

Examiners amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Karen L. Elbing on March 31, 2006.

In the claims:

In claim 1, line 1, after "A method of cloning a" delete [[non-human]] and insert "non-primate;

In claim 1, line 3, after "(a) permeabilizing a" delete [[non-human]] and insert "non-primate".

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The claims have been amended to reflect the difficulties and unpredictability of cloning humans and other primates as recognized in the art. While there has been a single report for the cloning of a rhesus monkey (Mitalipov *et al.*), he skilled artisan has not been able to reproduce these results. More specifically, Simerly *et al.* teach that obstacles at a molecular level need to be addressed before current approaches of nuclear transfer methods will successfully and reproducibly be practiced in primates. It is noted that the support for the instant amendment of the species of 'primates', finds literal support in the instant specification at paragraph 18.

As indicated previously, the claims are free of the art of record because while there was general teaching and motivation to use cell extracts to reprogram a donor cell, there was no specific teaching in obtaining an extract with the particular functional properties required by the instant claims. Applicants arguments have addressed all the remaining issues of record regarding

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rejections made under 35 USC 102, and the provisional double patenting rejection has been withdrawn to allow this application to go to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (571) 272-0739.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached at (571)272-0735.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Dianiece Jacobs whose telephone number is (571)272-0532.

Joseph T. Woitach

JOSEPH WOITACH, P.E.
PRIMARY EXAMINER

Joe Woitach
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